

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICAH CROFFORD BROWN,	§	
	§	
Petitioner,	§	
	§	
v.	§	CAUSE NO. 3:19-cv-02301-L-BN
	§	
BOBBY LUMPKIN, Director, Texas	§	
Department of Criminal Justice,	§	CASE INVOLVING THE DEATH
Correctional Institutions Division,	§	PENALTY
	§	
Respondent.	§	

UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE REPLY IN SUPPORT OF INITIAL PETITION FOR
WRIT OF HABEAS CORPUS

COMES NOW Petitioner Micah Crofford Brown, by and through his undersigned counsel, who moves the Court to grant his request for an extension of four (4) days, or until July 26, 2021, to file his Reply in Support of Initial Petition for Writ of Habeas Corpus.

Mr. Brown filed his initial petition for habeas corpus on September 11, 2021. ECF No. 29. On May 7, 2021, Respondent filed his answer. ECF No. 40. Mr. Brown's Reply is currently due on or before July 22, 2021.¹ ECF No. 44. Respondent does not oppose this motion, or the relief sought herein. Mr. Brown submits the following as good cause for granting the extension.

¹ Mr. Brown previously sought, and was granted, a request for a 45-day extension of time to file his Reply in Support of Initial Petition for Writ of Habeas Corpus. ECF Nos. 43, 44.

Undersigned counsel has completed two significant filings in other capital cases within the past twenty days. *See Cummings v. Lumpkin*, No. W-18-CV-125-ADA (W.D. Tex.) (Amended Habeas Petition filed June 29, 2021); *Lucio v. Lumpkin*, No. 21-5095 (Supreme Court of the United States) (Petition for Writ of Certiorari filed July 9, 2021). Both cases consumed much of counsel's time over the past month. Despite these filings and counsel's current caseload, counsel has been working diligently to meet the current deadline for filing Mr. Brown's reply. However, it is apparent at this point that counsel will need additional time to do so.

In his Answer, Respondent not only addresses the merits of Petitioner's claims, but also asserts numerous procedural defenses, to which Petitioner must respond. Because of counsel's schedule, the complexity of this case, and the issues raised in Respondent's Answer, this request is not being made for purposes of delay. Indeed, opposing counsel's schedule and the nature of the case prompted Respondent to seek additional time—totaling 150 additional days—to file his responsive pleading. ECF Nos. 34, 36. These requests were unopposed and granted by the Court. ECF Nos. 35, 37.

CONCLUSION

For the foregoing reasons, Mr. Brown respectfully requests this Court find good cause to grant his request for a 4-day extension, or until July 26, 2021, to file his Reply in Support of Initial Petition for Writ of Habeas Corpus.

DATED: July 19, 2021

Respectfully submitted,

MAUREEN FRANCO
FEDERAL PUBLIC DEFENDER

/s/ Timothy Gumkowski
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Counsel for Mr. Brown

CERTIFICATE OF CONFERENCE

On July 19, 2021, undersigned counsel conferred with counsel for Respondent, Assistant Attorney General Stephen Hoffman,² who advised that Respondent does not oppose the relief sought in this Motion.

/s/ Timothy Gumkowski
Timothy Gumkowski

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of July, 2021, I electronically filed the foregoing motion with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Timothy Gumkowski
Timothy Gumkowski

² Counsel of record for Respondent, Assistant Attorney General Erich Dryden, was out of the office at the time undersigned counsel conferenced this Motion. Therefore, at Mr. Dryden's direction, this Motion was conferenced with Mr. Hoffman.